

ADJOINING PROPERTY OWNERS FOR 6166 GUILFORD ROAD

Wilbur & Linda Speer
6300 Guilford Road
Clarksville, MD 21029-1523
(34.001)

Arthur & June Pickett
12701 Clarksville Pike
Clarksville, MD 21029-1528
(34.001)

Jeanne Hoddinott
P.O. Box 166
Clarksville, MD 21029-0166
(34.001)

"
"

Requested Zoning

Search Street:

GUILFORD RD

Property Information:

Amendment No.: 34.001

Current Zoning: RR-DEO

Requested Zoning: R-ED

Tax Account ID.: 1405369622

Map: 34

Grid: 18

Parcel: 88

Lot:

Acres: 87.95

Address: 6166 GUILFORD RD

City/State/Zip: CLARKSVILLE, MD 21029

Owner:

Name: HODDINOTT JEANNE C, TRUSTEE

Email:

Phone:

Mailing Address: PO BOX 166

City/State/Zip: CLARKSVILLE, MD 21029

Representative:

Name: Talkin & Oh, LLP

Email: soh@talkin-oh.com

Phone: 410-964-0300

Mailing Address: 5100 Dorsey Hall Drive

City/State/Zip: Ellicott City, MD 21042

Decision:

Planning Board Decision:

Planning Board Vote:

Council Decision:

Council Vote:

Zoning Map Amendment Request Form

Howard County
Comprehensive Zoning Plan
Department of Planning and Zoning

[Word 2007 Version]
Before filling out this form, please read the
Instructions section at the end of the form.

A. Property Information

1 Address / Street (Only) 6166 Gullford Road
2 Tax Map Number 34 Grid 18
3 Parcel(s) 88, 97
4 Lot(s) N/A
5 Tax Account Data: District 05 Account # 369622, 384419

6 Size of Property: Acres 87.82 Square feet

7 The Property is currently zoned: RC-DEO
I request that the Property be rezoned to: R-ED



B. Owner Information

8 Owner Name Jeanne C. Hoddinott, Jeanne C. Hoddinott, Trustee
9 Mailing street address or Post Office Box P.O. Box 166
City, State Clarksville, Maryland
ZIP Code 21029
Telephone (Main) 443-220-6387
Telephone (Secondary)
Fax
10 E-Mail

C. Representative Information

11 Name Talkin & Oh, LLP
Mailing street address or Post Office Box 5100 Dorsey Hall Drive
City, State Ellicott City, Maryland
ZIP 21042
Telephone (Main) 410-964-0300 (Sang Oh)

Telephone (Secondary)

Fax 410-964-2008

E-Mail

soh@talkin-oh.com

12 Association with Owner Attorneys

D. Alternate Contact [If Any]

Name

Telephone

E-Mail

E. Explanation of the Basis / Justification for the Requested Rezoning

13 The subject Property is zoned RR-DEO and was recently added to the County's Planned Service Area ("PSA") for public water and sewer. The proposed rezoning of the Property to the R-ED district would allow for an appropriate residential subdivision of the nearly 88 acre Property in a manner that utilizes public sewer instead of septic systems. Due to environmental concerns pertaining to septic systems, the policy of both the State and the County is to promote developments utilizing public sewer. See PlanHoward 2030, pp. 73-76.

The R-ED district is the lowest density zone possible for PSA-included property. The Property also adjoins an existing R-12 neighborhood such that an R-ED development of the Property would provide an appropriate transition between the higher density developments to the east and the RR-DEO zoned properties to the west. See attached Continuation Sheet.

F. List of Attachments/Exhibits

14 1. Continuation Sheet. 2. Map of the Property from the County's website.

G. Signatures

15 Owner Jeanne C. Hoddinott

Owner (2) Jeanne C. Hoddinott, Trustee

Date 6 December 2012

Date 6 December 2012

Additional owner signatures? X the box to the left and attach a separate signature page.

16 Representative Signature

[Signature]

Date

12-11-12

DPZ Use Only	JRC	Amendment No.	34.001
Notes			

H. Instructions for the Comprehensive Zoning Plan Zoning Map Amendment Request Form

Continuation Sheet

E. Explanation of the Basis / Justification for the Requested Rezoning

- 13 The subject Property is zoned RR-DEO and was recently added to the County's Planned Service Area ("PSA") for public water and sewer. The proposed rezoning of the Property to the R-ED district would allow for an appropriate residential subdivision of the nearly 88 acre Property in a manner that utilizes public sewer instead of septic systems. Due to environmental concerns pertaining to septic systems, the policy of both the State and the County is to promote developments utilizing public sewer. *See PlanHoward 2030, pp. 73-76.*

The R-ED district is the lowest density zone possible for PSA-included property. The Property also adjoins an existing R-12 neighborhood such that an R-ED development of the Property would provide an appropriate transition between the higher density developments to the east and the RR-DEO zoned properties to the west.

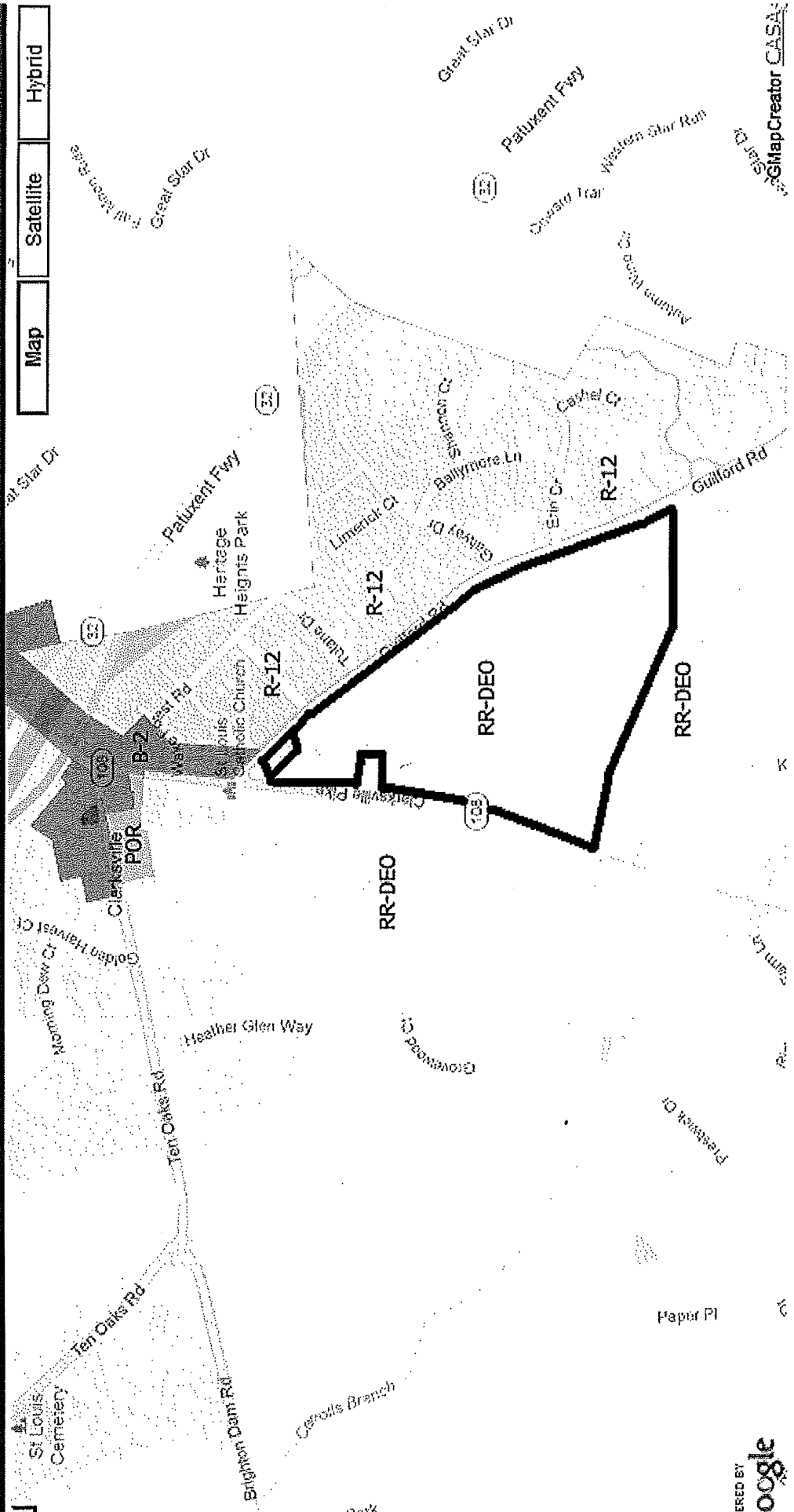
The R-ED district is also the most appropriate zone for the Property given the Property's environmental features. As shown on the attached aerial map of the Property from the County's website, the Property contains areas of wetlands. The purpose of the R-ED district is "to accommodate residential development at a density of two dwelling units per net acre in areas with a high proportion of sensitive environmental and/or historic resources. Protection of environmental and historic resources is to be achieved by minimizing the amount of site disturbance and directing development to the most appropriate areas of a site, away from sensitive resources. To accomplish this, the regulations allow site planning flexibility and require that developmental proposals be evaluated in terms of their effectiveness in minimizing alteration of existing topography, vegetation and the landscape setting for historic structures." HOWARD COUNTY ZONING REGULATIONS § 107.A.

A rezoning of the Property to the R-ED district would be consistent with the Property's recent inclusion into the PSA for public water and sewer, allowing for a subdivision at the lowest residential density permitted. Such a rezoning would ensure a development utilizing public sewer instead of septic, and would also ensure that the environmentally sensitive features of the Property would be protected during the subdivision and development process.

Howard County, MARYLAND

Street view | Help

Map Satellite Hybrid



© 2005 GoogleMapCreator [CASA](#)

CREATED BY **google**



Howard County Council

George Howard Building
3467 Court House Drive
Ellicott City, Maryland 21043-4392

COUNCILMEMBERS

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District 3
Mary Kay Sigaty, Vice Chairperson
District 4
Courtney Watson
District 1
Calvin Ball
District 2
Greg Fox
District 5

March 11, 2013

Ms. Jeanne Hoddinott, Trustee
P.O. Box 166
Clarksville, MD 21029

Dear Ms. Hoddinott:

You are receiving this letter because you filed a Zoning Map Amendment Request Form/Howard County Comprehensive Zoning Plan or a Zoning Regulation Amendment Request Form/Howard County Comprehensive Plan.

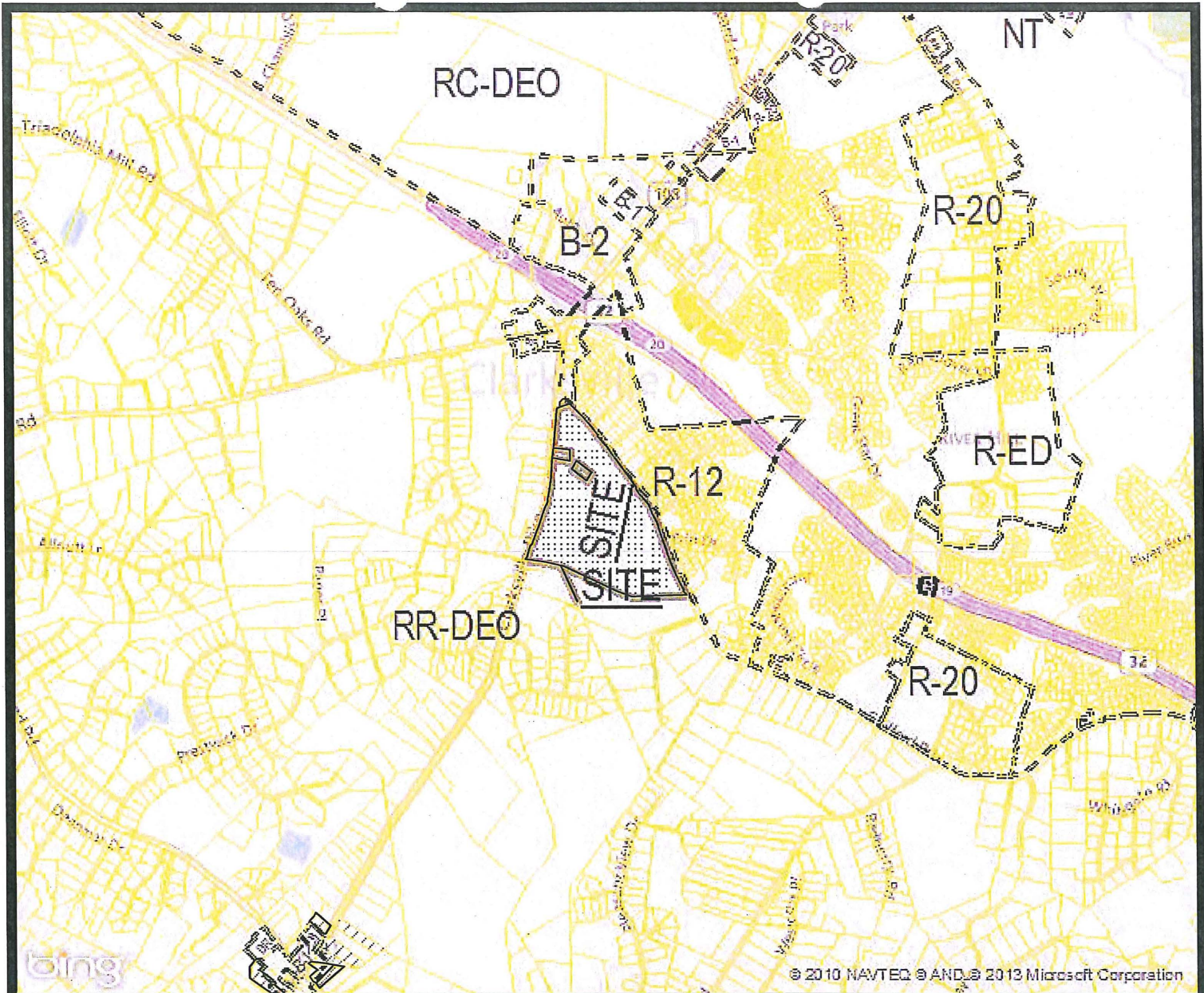
Please be advised that on March 7, 2013, the Howard County Ethics Commission determined that the Zoning Map Request Form needs to be accompanied by certain affidavits and disclosures. The Commission also determined that the Zoning Regulation Amendment Form needs to be accompanied by certain affidavits and disclosures when the Form proposes to "increase the density of the land of the applicant."

The Commission directed me to notify applicants of their obligation to file the affidavit and disclosure. The obligation is set forth in Md. Code Ann., St. Gov't, Sec. 15-849(b), which provides in part, **"the affidavit or disclosure shall be filed at least 30 calendar days prior to any consideration of the application by an elected official."**

Accordingly, I am enclosing for your use the approved affidavit packet. Completed forms may be mailed to the Administrative Assistant to the Zoning Board at 3430 Court House Drive, Ellicott City, MD 21043.

Very truly yours,

Stephen M. LeGendre
Administrator



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Zoning Map General Plan Amendment: **34.001** Tax ID: **1405369622**
 Current Zoning: **RR-DEO** Council District: **4**
 Tax Map: **34** Grid: **18** Parcel: **88** Lot: **N/A**
 Address: **6166 GUILFORD RD**

Regner, Robin

From: Tolliver, Sheila
Sent: Thursday, June 20, 2013 11:17 AM
To: Regner, Robin
Subject: FW: Highland Map Amendments and The Expanded PSA
Attachments: BRX Map GHCA 130326.pdf

From: DanielOL@aol.com [mailto:DanielOL@aol.com]
Sent: Thursday, June 20, 2013 10:26 AM
To: CouncilMail; Knight, Karen
Subject: Highland Map Amendments and The Expanded PSA



June 20, 2013

Dear Council Members:

Thank you for your attention to my remarks last night. I hope you will find the following summary useful in your deliberations.

Actually, GHCA supported a modified BRX with NO map amendments, which option we chose when queried by DPZ. We will address BRX Monday under text amendments in the West.

Map #s 40.001 thru 40.007, Highland Crossroads: We support only one of them in order to allow the adjoining property to be eligible for BRX rather than B-1. (See Exhibit 1 attached)

- 40.004, 005 & 007: All of these lots (actually 4 lots) are on the NE side of 108. We strongly support DPZ's recommendation for denial. There is no demand for commercial space in Highland. There are still vacancies in Highland Crossing across 108, and 40.005 (Grey Pony) would still qualify for BRX.
- 40.001: This is a bald attempt to do an end-run around an existing BOA ruling against a nursing home proposal. The case is under judicial appeal. {According to Mr. Sun's testimony, there is no vested interest in this property because the BOA ruled against. Council is free act as it wishes, but a vote in favor of this amendment would be a vote to over-rule the BOA} Intervention by Council action is inappropriate and undermines a conditional use process that is already under heavy criticism.

- 40.002: This lot on the SW quadrant adjoins a lot by the same owner that was converted to B-1 in the last round. It is roughly 85% RR (see Exhibit 1). Only a tiny sliver of the old B-1 remains and should have been removed in 2004. Please read the letter to the Planning Board by the adjoining owners, the Messiers, about illegal commercial use. We strongly oppose it and recommend RR-DEO for the entire lot to clear up the issue. If expansion is needed it would qualify for BRX
- 40.008: We recommend adoption of B-1 to clear up the split zoning and to allow Ms. Caswell to apply for BRX status in lieu of the last amendment below: 40.003.
- 40.003: We would prefer to support a BRX proposal if 40.008 were granted.

Finally, we oppose map amendments 34.001-004, the Hoddinot property and 46.002, the Maple lawn property, both for the same reason: the PSA was improperly expanded under the General Plan. Even if it was legal, it was terrible public policy and procedure. It was never properly announced, explained or properly debated. We respectfully suggest the Council remove the PSA expansion from the GP, and take it up at a later date such as what was done in COMP LITE in 2004. It is too important an issue to have been passed under questionable procedures, Please correct this mistake.

Dan O'Leary, President
301 854 9424

34.001, 34.002, 34.003,
34.004

34.003

34.004

34.002

34.001

34.005

Carrolls Branch

June 24, 2013

My name is: William Masker

My address is: 6504 Langford Court, Clarksville, MD 21029

I am representing an organization which is: Clarks Glen HOA

There was some misunderstanding for testifying on Text amendments in the last meeting, so I signed up to today's testimony. My community is near the proposed mortuary and lots 34.001 through 34.004.

We oppose any rezoning of the Hoddinott property area; lots 34.001 through 34.001/4

ALSO, **we oppose** the inclusion of **TWO** land areas on the PSA (Planned Service Area)- the Hoddinott property at the intersection of Route 108 and Old Guilford Road, and the Fulton property on the south side of Route 216.

AND, **We PLEAD for your Amendments** to add the mortuary zoning criteria which were recommended by the Planning Board in May 2011 in deciding ZRA 132. These are the proposed **TEXT AMENDMENTS** in ITEM 15.

Inclusions of these parcels in the PSA is wrong. My community did not get adequate notice and full participation in the PSA expansion as required. PSA principles require a comprehensive study and evaluation before expanding the PSA, into established rural, RR zoned property. Any PSA expansion in the next 10 years is **limited** and requires thorough analysis and study. This last minute expansion of the PSA did not receive vital analysis, public participation and input. It is also **discriminatory** to others who will be subject to greater requirements than the unfair favorable consideration received by this property. The Hoddinott property was included in the PSA at the last minute, after the Task Force concluded its work, because the Colorado owner, Jeanne Hoddinott, sent a letter asking for consideration in February 2012. The justification for PSA expansion was Chesapeake Bay protection. This is wrong because there **would be MORE contamination by dense development promoted by PSA expansion.**

Any rezoning from RR would create a significant increase in impervious surfaces in the Clarksville property in this highly sensitive environmental area. We need to limit citizen's new, already high, added storm water runoff fees. We need to limit storm water runoff by severely limiting new IMPERVIOUS surfaces.

The Hoddinott property Owner's representative requested R-ED zoning to maximize property development. This type of zoning has no transitional effect between Guilford Road and RT 108. Transitional zoning must be sought that is consistent with Planned Howard. **We demand protection for the existing communities.**

Hoddinott property Owner's Rep. also represented in their application for rezoning that R-ED was the **LOWEST** density permitted. **That is not true.** The Owner's representative admitted that there would be a lower yield with another zoning that did not allow "attached" units. Even if it were true, that is not the criteria for rezoning this property. **The criteria includes environmental protection.**

RR zoning permits only **DETACHED** adjacent homes, **with MORE green space than suggested**, and **not legally enforceable** under R-ED zoning. Prior testimony reflects that the proposed zoning for similar acres in Fulton, would be **entitled to 2,250** units with as many as 18,000 additional residents.

New Mortuaries **MUST BE** consistent with all Mortuary precedent in Howard County. Mortuary buildings must be in proper ratio to the lot size in order to protect green space, particularly in highly sensitive environmental areas. The 2 mortuaries in residential areas in Howard County are **5,000 sq. ft. on more than 4 acres**. **DO NOT VARY FROM historic tradition, precedent in Howard County by permitting a 17,000 sq. ft building on 3 acres adjacent to a high quality stream which WILL BE adversely affected by a HIGH ratio of IMPERVIOUS surface**. This is **NOT PERMITTED** in other areas! Also the property is not on public water and sewer. Placing the mortuary on septic would create ground water problems for the nearby 165 wells in the area. This sets the scene for 'change and mistake zoning', which is outside the Comprehensive Zoning process.

Adding the Hoddinott property to the PSA dramatically increases traffic on route 108, which is not consistent with **NO PLANS** for improvements to the over congested Rt 108 in the next 20 years. Responsible growth means we need to plan and accomplish road improvements **BEFORE** permitting developments with adverse effects on Rt 108.

We believe that it is your job to act now to protect our future. Ms. Sigaty, we are in your district. We implore you to recognize the importance of these issues to many of your residents, and adjacent residents in Greg Fox's district, for an amendment. We request your commitment to pre-file an amendment by Thursday, for including mortuary zoning amendments, for reversing the expansion of the PSA at Clarksville, and for denial of rezoning lots 34.001 through 34.004.

We thank you for your time in considering our input and we look forward to seeing your amendments on the above mentioned items.

Michael Caruso

6510 Paper Place
Highland MD 20777
443 756-3336
mike@CampSusan.com

Occupational Rehabilitation Associates
Normandy Business Center, Suite 207
8394 Baltimore Nat'l Pike
Ellicott City MD 21043-3378
410 418 4060
fax 410 510-1337

June 17, 2013

Dear Members of the Howard County Council:

I am a resident of Highland area of Howard County and a small business owner in Howard County.

I am in opposition of the placement of two land parcels on the PSA (planned Service Area for water and sewer)- the Fulton (lager) property on the south side to Route 216 and the Hoddinott property at Route 108 and Old Guilford Road.

This would dramatically change the area and there is no clear need for this development at this time. That is demonstrated by the fact that Columbia has never met it's growth projections and Maple Lawn Farm was supposed to be built out by 2010 and is only at 50%. Extending the PSA seems to be 'urban sprawl', not 'responsible growth', and should not be allowed.

This change in rezoning for the Fulton area is especially problematic because it would create a significant increase in impervious surfaces in the watershed area. This is in direct contrast to actions taken by Prince Georges and Montgomery counties to protect the watershed and the Maryland state initiative to protect the bay with the Rain Tax funds. It seems as though Howard County development current plans are working against water quality preservation efforts by our neighbors and the state of Maryland.

This addition to the PSA became possible without much public notice because the 2010 General Plan was modified to allow inclusion in the PSA for a rezoning request. I believe that the Council should delete language put in the 2010 plan that allowed this change. I ask that the Council reinstate strict limitation on PSA expansion.

Mortuaries should not be placed on properties such as the one in Clarksville. The property is very close to a pristine stream, which should be protected by not increasing the impervious space in the area. Also the property is not already on public water and sewer. Placing the mortuary on septic would most assuredly create ground water problems in the area. This sets the scene for 'change and mistake zoning', which is outside the Comprehensive Zoning process. This allows large areas to be rezoned without public notice or recourse.

Adding the Hoddinott property to the PSA dramatically increases traffic on route 108, which is not consistent with neighboring Montgomery County's interest in keeping route 108 rural. Responsible growth means we need to consider the effects of our actions on our neighbors.

These are very important community decisions that affect generations to come. I am very concerned about how these proposals have gotten this far without a widespread public debate. It seems to me that the major rezoning decisions should not be allowed without multiple public notices and town meetings to educate the public and involve them in these decisions.

Sincerely Yours

Michael Caruso

Testimony of Alan Schneider

My address is 12598 Clarksville Pike, Clarksville, Md. 21029

Opposed to Bill 79-2013

Opposed to Rezoning Lots 34.001 through 34.004

Requesting pre-filed Amendments for:

- a. Rescinding PSA Extensions in Clarksville and Maple Lawn, and
- b. Text changes for Mortuaries in Residential Areas

Thank you. I am authorized to state that this position on ITEM 15 mortuary amendments is supported by the Howard County Citizens Association, and the Greater Highland Crossroads Association.

On June 10th Dr. Ball asked Marsha McLaughlin if she would meet with me regarding the 3 ring binder submitted to you. **WHY were the Planning Board recommendations in May 2011 for mortuary text amendments not included in Bill 79-2013?**

She was interested in the chart (attached) showing the 50 year historic **PRECEDENT** for Mortuaries in residential areas. They have a building size of less than 5,000 sq. ft. and lot size of more than 4 acres. This compares to the proposed mortuary building size of 17,000 sq. ft. on 3 acres on an environmentally sensitive area which borders one of only a few high quality Type II streams. **WHY ALLOW A DEVIATION WHICH IS NOT PERMITTED IN NEARBY COUNTIES.**

WHY ARE THE STORM WATER REGULATIONS NOT BEING ENFORCED TO LIMIT EXCESSIVE IMPERVIOUS STRUCTURES? Section 131.C.2.c. provides that **NO MORE THAN 30% of the parcel will be covered by structures or impervious surface, including roads, parking lots, loading or storage areas, and sidewalks.** The proposed mortuary would have about 80% impervious structures and surfaces. In addition this parcel is now covered by natural vegetation and trees which filter the water. Storm water will be enormously increased. The slope of the land is greater than 5 degrees toward one of only a few high quality Type II streams. Who pays for the damage to our water?

WHY WAS THE DONALDSON CASE NOT DISMISSED LONG AGO? It was almost a YEAR between October 2010 when his petition was denied by the hearing examiner, and September 2011 when he filed a revised site plan. It was FIVE MORE months before he was ready for a hearing starting February 28, 2012. **SECTION 103. I. requires that inactive petitions SHALL BE DISMISSED** after 180 days. It was after his petition was **Denied in October 2010** that he participated in the ZRA 132 hearing. The recommendations by the Planning Board logically would have motivated anyone to find a more suitable location. But he ignored those recommendations. He pursued his inactive appeal in September 2011 without accepting the Planning Board recommendations.

WHY? WHO guaranteed that he would win if he keeps filing? WHY did he refuse to consider a fully compensatory buyout? Meanwhile, his DENOVO appeal case contained the **same mistakes** as his earlier petition. His errors and mistakes continued, causing further delays entirely at his own fault. Now he is asking you to allow him to take advantage of regulations as they existed when he first filed long ago. He is asking that you **AGAIN** accept backstop his trying to take advantage of zoning regulations he knows do not exist in nearby counties where he has **TWO** other mortuaries. Those mortuary locations do not burden traffic with burst traffic when services are ended because there are multiple lanes, stop lights, and without any bad intersection like the one at Ten Oaks Road and Route 108 (which regularly backs up traffic for miles on the two lane road not scheduled for any improvements for the next 20 years). He pursued his petition after knowing the regulations would be changed. Those regulations were postponed to his advantage. Now he is asking for a **FURTHER** postponement to the further disadvantage of nearby communities. The mortuary regulations should have been updated long ago. He knew that recommended revisions would preclude his initial site selection. There are many other suitable locations that would never be denied.

WHAT would be the precedent you are setting by not adopting the regulations proposed after a full hearing two years ago? There is no reasonable justification for **NOT** amending Bill 79-2013 to include Item 15, or to include the Zoning Changes attached to Marsha McLaughlin's December 22, 2010 TSR **without any grandfathering.**

Howard County Funeral Homes

	FUNERAL HOME	ADDRESS	ZONING	LOT SIZE	BUILDING SIZE	PARKING SPACES	WATER & SEWER
1	Slack Funeral Home	3871 Old Columbia Pike Ellicott City	R-ED	6.06 acres	4,658 square feet	55	Yes
2	Harry H. Witzke	4112 Old Columbia Pike Ellicott City	R-20	4.48 acres	4,528 square feet	71	Yes
3	Howell Funeral Home of Howard County	10220 Guilford Road Jessup	B-1	1.69 acres	9,481 square feet	43	Yes
4	Witzke Funeral Home	5555 Twin Knolls Road Columbia	NT	2.557 acres	8,094 square feet	72	Yes
5	Gary L. Kaufman	7250 Washington Boulevard Elkridge	M-1	113.69 acres	19,247 square feet	86	Yes
6	Donaldson (proposed)	12540 Clarksville Pike (Rt 108) Clarksville	RR-DEO	3.27 acres	25,000 square feet	66	No

TABLE OF CONTENTS

My name is Alan Schneider

My address is 12598 Clarksville Pike

I am here about text amendments in the Public Interest. I am:

FOR The Six Mortuary zoning amendment recommendations by the Planning Board in May 2011.

FOR The Mortuary text amendments Submitted by DPZ to the Planning Board including the separation of funeral home from embalming mortuary.

FOR Recommended text amendments numbered 13 and 15 but "not supported" for unknown reasons by DPZ.

AGAINST DPZ's and the Planning Board's breach of its public duty to forward zoning amendments protecting the public to the Howard County Council.

AGAINST Any Grandfathering to subvert updates to old mortuary zoning.

I am presenting a three ring binder with important information you were not given in your binders because it was "not supported" by DPZ. I do not know why. I began calling DPZ weeks ago. I've left voice messages. No response, although Kim Flowers approached me a few minutes ago and told me she sent me an e-mail with answers. The proposed amendments are vitally needed. The on-line chart states they were "not supported". The recommended text changes have been supported by the Planning Board, the DPZ and the public.

1. The first tab in the book is the Planning Board's May 12, 2011 Recommendations. See the tab.

The Planning Board Recommendation stated:

"Board members reviewed general ideas to be considered in greater detail. 1) Since the industry appears to be evolving into a different business model, definitions should be developed for funeral homes, funeral parlors, large-scale (mega) funeral homes, mortuaries and crematoriums and determine which should be allowed in what type of zoning district, e.g., should crematoriums be allowed in residential districts? 2) Criteria should be established for studies that should be submitted as part of the Conditional Use petition (on and off-site septic systems with associated topography, and traffic and road studies are examples. 3) Recognition of the need for funeral homes in the west but with scrutiny of criteria including requirements for larger lot sizes. Consider separate Conditional Use criteria with regard to whether a proposal is located in the east or west. 4) Consider separate Conditional Use criteria depending on whether a proposal will be in a residential or commercial zoning district.....**The Board agreed that six changes requested by Joan Lantos also be considered in the future: enlarge the lot size from three to six acres; enhance the "scale and character" requirements to clarify the meaning of "compatible with residential development in the vicinity"; remove the ability to request setback reductions; require that funeral homes be on public water and sewer; and remove crematoriums as an allowable use in residential zones."** ZRA 132, May 12, 2011, pp. 4-5.

These recommendations must be applied to the current Donaldson proposal. His proposals have been denied three times, and he requests the County Council to reverse his own poor judgment, self interest and timing. He has two other mortuaries in Laurel and Odenton. Both are on public sewer, and both have good, safe access to two highways with two or more lanes of traffic in each direction. Unlike the over burdened Route 108 which is regularly congested with lengthy backups and increasing accidents, Donaldson's other two locations each have convenient, traffic light regulated access/egress for 100+ car traffic bursts to two major highways. His first Conditional Use application for a third mortuary at Highland was denied in March 2003. In November 2011 the Hearing Officer denied his mortuary at the current bad location. In May 2011 the Planning Board in ZRA 132

decided that new mortuary criteria should be included. Donaldson participated and knew the new criteria were recommended. His delays and bad judgment continued. In September 2011, almost a year after this third denial, Donaldson filed a revised conditional site plan which did he knew would not comply with recommended new zoning criteria. He took the risk. He continued to avoid compliance with environmental, health, traffic, and safety issues. He advocated application of old zoning criteria as the only rules to be applied by the Board of Appeals. Board testimony was excluded on environmental, public health, safety, traffic, and liveability issues. He did not respond to offers to buy the property to enable him to locate his third mortuary at sites that would meet all recommended criteria. Donaldson is using his own delays to request approval of his Conditional Use under old 50+ year old zoning criteria. These criteria should be immediately adopted: not kicked down the road again without supportable justification.

2. The second tab in the three ring binder is the Highlighted transcript of the January 13, 2011 testimony to the Planning Board summarizing documentation of the need for updated regulations. It provides an excellent recap of the two mortuaries in residential zones in Howard County, and zoning in adjacent counties. 28 pages.
3. The third tab is all the supporting charts and documentation supporting that there is no other mortuary in Howard County on septic, and there is no other mortuary in a residential area on septic in neighboring counties. The chart on the second page is the best recap. The 116 pages in this section documents higher standards for mortuaries in other counties including higher set back requirements, and multiple lane requirements.
4. The fourth and fifth tabs are the mortuary text amendments proposed by Karen Wang and others proposed by me, specifically identifying the sections and language to be added. These are identified on the chart on the first page as “not supported” by DPZ. These are the provisions that have been supported by testimony, by many citizens, by the Planning Board and by DPZ. These are amendments to upgrade mortuary zoning provisions and to add needed definitions including the definitions of “transitional”, “conformity”, and “building envelope”. The proposed text amendment also requires additional information to be submitted to DPZ to assist it in evaluating impacts on natural resources and the community.

Peter Li
6555 Paper Place
Highland, MD 20777

Dr. Peter Beilenson
Health Officer
Howard County Health Department
7178 Columbia Gateway Drive
Columbia, MD 21046-2147

Re: **BA-10-001C Donaldson Funeral Home**

Dear Dr. Beilenson:

As you may be aware, I am writing this letter on behalf of Clarksville Residents against Mortuary (CRAM), a non-profit organization in opposition to the above referenced conditional use application currently pending before the Howard County Board of Appeals. CRAM consists of several hundreds of residents opposing the application and residing in nine communities: Clarks Glen, Clarks Glen North, Clarksville Overlook, Clarksville Manor, Highland, Preserve of Clarksville, River Hill, Walnut Grove, and Windy Knolls. I am a Certified Professional Geologist with a Ph.D. in Geological Sciences and over 20 years of experience with groundwater studies, involving contamination investigation and cleanup.

This letter is to challenge your 18 November 2009 approval of the Percolation Certification Plan (PCP) filed by Robert H. Vogel Engineering, Inc. for the above referenced conditional use application on behalf of Donaldson (or Clarksville) Funeral Home. Mr. Bert Nixon, the Director of Environmental Health Bureau, signed the PCP on your behalf. Our challenge is based on the following facts:

1. Howard County Code states on Page 470 that "On-site sewage disposal systems (and designated sewage disposal area) shall not be located up gradient of existing or proposed water wells within 200 feet". COMAR 26.04.02 states that "On-site sewage disposal systems shall be located downgrade from private water supplies".
2. There is an existing well (Lutheran Church) within 200 feet, hydrologically down gradient of the proposed septic easement. The proposed water well for the funeral home is located, down gradient, about 100 feet south of the proposed septic easement.
3. When asked why the County approved the PCP against its own code, Mr. Jeff Williams, the County's Well & Septic Program Supervisor, said that the septic easement is not directly up gradient of the two wells based on a 45 degree rule, which is not documented in the County Code but used as an advisory guide. When asked to explain the 45 degree rule, he said that in the past, many wells were hand-dug and the rule was set up to prevent the surface runoff from the septic easement area to flow directly to the open pits of the hand-dug wells.
4. The issue here is that the ground water flow is different from the surface water flow. The withdrawal of the groundwater from a well will create a cone of depression, pulling the water from the surroundings, including not only the higher elevation but also the lower elevation areas. The cone of depression extends further in the higher elevation area than in the lower elevation area. Both the wells are thus down gradient of the septic easement area.

5. The site geology makes the impact of the sewage water even greater on the two wells and other wells in distance. The site is underlain by Baltimore Gneiss, a metamorphic rock formation with three dominant fracture or joint groups: two in the direction roughly parallel to Route 108 and another perpendicular. When the sewage water enters a drainage system, most will find its way to the groundwater stored in fractures or joints in the bedrock. All the wells in the area withdraw the groundwater stored in the fractures/joints. The contaminated groundwater migrates much faster and further along bedrock fractures/joints than in unconsolidated sediments.

Based on the above facts, the County's approval of the PCP violates not only the County Code but also COMAR 26.04.02. We request your immediate attention to this matter, review and reverse your approval of the PCP.

The proposed well at the subject property will serve 200 visitors per funeral at its capacity and the church well currently also serves several tens of visitors weekly. In its study done in 1999 (EPA/8/16-R-99-014e), EPA cited 27 examples of groundwater contamination by septic systems and identified over 1,000 cases of gastroenteritis and hepatitis resulted from the septic contamination of groundwater supplies. Should the wells be contaminated by septic water, there is a very high possibility of outbreak of certain diseases. Please note that Howard County could be held liable for the potential contamination if proved in court that it has not done its due diligence protecting the water supply. The County was forced to connect the public water to the Sandy Springs Bank at Clarksville when the bank's well was found contaminated with salt associated with the operations of County's past salt dome facility.

We would also like to seek your attention to the same 1999 EPA study, which defined those septic systems serving 20 or more people per day as Large Capacity Septic Systems (LCSSs). A LCSS permit is required for these systems. The Donaldson septic system is designed to serve 200 visitors at its capacity and thus should be classified as a LCSS per EPA standard.

Should you have any questions regarding this letter, please do not hesitate to contact me at 301-323-1411 (office) or 410-949-4011 (cell).

Sincerely,

Peter H. Li, Ph.D., C.P.G.

CC: Ken Ulman, County Executive
Greg Fox, County Council Member
Mary Kay Sigaty, County Council Member
Bert Nixon, Director of Environmental Health Bureau
Shun Lu, President of CRAM

**Supporting 2011 ZRA-132 and 2012 Text Amendments 15,
but Opposing Council Bill 79-2013**

Good evening! My name is Soon S. Park. I am a resident in Clarksville. I am

- 1. Against the PROPOSED legislation which does not include Amendments for Mortuary Conditional Use in Residential More than 2 years ago by DPZ and the Planning Board.**
- 2. Requesting Pre-Filed Amendments by the Thursday Deadline to incorporate The Six Mortuary zoning amendment recommendations by the Planning Board in May 2011; which are included in the ITEM 15 text amendments.**
- 3. Requesting a no Vote on Requested rezoning of lots 34.001 through 34.004.**
- 4. Against any Grandfathering Which would give your blessing to Building a New Mega Mortuary on a Small, Environmentally Sensitive Well and Septic Lot.**

Human carcinogens are commonly listed in "Reports on Carcinogens", a congressionally mandated and science-based public health document by the U.S. Department of Health and Human Services. This document is updated biennially to protect public health and environment under the Public Health Service Act (Section 301 (b)(4)).

I am here to present you with scientific information which must be part of your decision on recommended changes included below. I am a multidisciplinary scientist who has performed research on cancer and infectious diseases caused by bacteria, virus and parasites over 23 years in academic and industry settings including National Institute of Allergy and Infectious Diseases (NIAID), NIH, Bethesda, MD. My detailed resume can be provided upon request.

To keep the higher ranking, Howard County must adopt all the newest and best health and environmental regulations. The best place to live is the place where compliance meets OR EXCEEDS legal standards for health, environment and safety.

We appreciate and vigorously support DPZ's recommended text changes so that Mortuaries which conduct embalming are no longer included as Conditional Uses in any residential areas. Mortuaries in other zones, then I and many others request that Mortuaries be excluded from any septic location, and excluded from the new CEF zone. As you recognized in your hearing two years ago, mortuaries need more stringent regulations.

The scientific information I am here tonight to present is the extremely danger of biological and chemical hazards of embalming fluids which are commonly used in mortuaries. Please consider the motives of anyone who tries to dismiss or avoid protecting against the serious health risks and hazards of biologics and chemicals. Do not accept the words of representative and developers who are motivated by their own self interest, and profit, and are not primarily interested in forward looking, health and safety protections.

- I. Formaldehyde, a major component of embalming fluids, causes cancers. "Reports on Carcinogens"^{1,2}, a congressionally mandated and science-based public health document is updated biennially under the Public Health Service Act (Section 301(b)(4)) to determine or update human carcinogens to protect public health. This document provides lists of substances that are known to cause cancers. This**

Supporting 2011 ZRA-132 and 2012 Text Amendments 15, but Opposing Council Bill 79-2013

document has been developed by 2 highly respected agencies – the International Agency for Research on Cancer of world health organization (IARC, WHO) and the US National Toxicology Program (NTP).

II. Reproductive & Developmental defects by Formaldehyde: The summarized research article from 67 scientific research results was presented on "Reproductive and developmental toxicity of formaldehyde" in peer-reviewed and respected scientific journal in 2011 (ref 5). Chemical toxicity studies are done with collected data or using laboratory animals because of their toxicity in nature.

Those defects caused by formaldehyde at very low level (ex, 0.04~3.66 ppm) are;

- 1) an increased risk of **spontaneous abortion (SAB)**
- 2) **Vaginal irritation & pain**
- 3) **Stillborn births,**
- 4) **Congenital malformations**
- 5) **Low birth weight and premature births**
- 6) **Reduced fertility**
- 7) **Menstrual disorder or irregularities**
- 8) **Male reproductive toxicity,**
- 9) **Abnormal cell death**
- 10) **Genotoxicity** including chromosome and DNA damage
- 11) **Altered level and/or function of hormones**

III. Significant association between formaldehyde exposure and child asthma from 10 studies with 6387 participants (635 patients) published in Environmental Health Perspective journal in 2010. Elderly or immune-compromised human will be easily affected (ref 6).

IV. Impacts of formaldehyde on environments and human health

- 1) **Concentrations of formaldehyde in ambient air are ppb (parts per billion) level which is 1000-fold lower than ppm (parts per million) level. "Dasgupta et al. (2005) measured *summertime ambient formaldehyde levels in a study of five major U.S. cities:* Nashville, Tennessee (June–July 1999); Atlanta, Georgia (August 1999); Houston, Texas (August–September 2000); Philadelphia, Pennsylvania (June–July 2001); and Sydney, Florida (April–June 2002). Reported concentration ranges were 1.43–12.67 ppb (mean 5.05 ppb) in Nashville, 0.42–18.25 ppb (mean 7.96 ppb) in Atlanta, 0.15–47.13 ppb (mean 4.49 ppb) in Houston, 0.33–9.53 ppb (mean 3.12 ppb) in Philadelphia, and 0.37–9.38 ppb (mean 2.63 ppb) in Sydney " (page 111_112 of reference 4).**
- 2) **" Indoor air in a new, unoccupied manufactured house in Gaithersburg, Maryland over the course of 1 year (August 2002–September 2003), formaldehyde concentrations exhibited temporal variability ranging from 20 ppb -104 ppb (25 - 128 µg/m³) with the lowest concentrations occurring in winter months when indoor relative humidity was low (DOE 2004). Formaldehyde concentrations in mobile homes may be up to 14 times higher than in conventional homes. The average indoor air concentration measured in the study of this housing was 77 ppb (CDC 2008)" (page 112 & 116 of reference 4).**

3) Detection with commonly used monitoring device for toxic chemicals including formaldehyde is not accurate enough. Thus, "The Environmental Health Laboratory Sciences Division of the National Center for Environmental Health, C, is developing methods for the analysis of formaldehyde and other volatile organic compounds in blood. give detection limits in the low parts per trillion (ppt) range." (page 122 of reference 4).

4) Formaldehyde causes Irritation at very low concentration of 0.1ppm as shown (ref 4).

Figure 2-1. Health Effects

Concentration in Air (ppm)	Effects in Humans	Effects in Animals
>50	no studies	bloody nasal discharge, pulmonary edema
11 to 50	no studies	nasal and eye irritation, nasal ulceration, change in pulmonary function ^f , neurological effects ^g , liver effects ^h , decreased body weight, decreased fetal weight, nasal tumors, reduced survival
6.0 to 10.9	nasal, eye, throat and skin irritation, headache, nausea, discomfort in breathing, cough	nasal and eye irritation, nasal ulceration, change in pulmonary function ^f , liver effects ^g , testicular effects ^h , nasal tumors, reduced survival
2.0 to 5.9	nasal, eye and throat irritation, eczema or skin irritation, change in pulmonary function ^a	nasal and eye irritation, throat irritation, change in pulmonary function ^f , decreased body weight, enhanced allergic responses, neurological effects ^g , liver effects ^h , testicular effects ^h
0.6 to 1.9	nasal and eye irritation, eczema, change in pulmonary function ^a	change in pulmonary function ^f , neurological effects ^g
0.1 to 0.5	nasal and eye irritation, neurological effects ^g , increased risk of asthma and/or allergies	change in pulmonary function ^f , enhanced allergic responses, neurological effects ^g

5) Over 1 million pounds of formaldehyde were handled in Maryland (table 4 -2 of the reference 4) but release data from only 4 facilities of 22,113 pounds to air reported (table 5-1 of the reference 4). Many states have data for release into water and we need to include

formaldehyde in water quality standard in Maryland to protect human health and our living environments.

For your reference,

NIOSH Guideline of formaldehyde for protected workers with personal protection equipments at workplace were presented here:

Recommended exposure limit (REL) =0.016ppm (10-h TWA)

Ceiling recommended exposure limit = 0.1ppm (15min exposure)

Immediately dangerous to life and health (IDLH) limit=20 ppm

- **A chronic inhalation minimal risk level (MRL): 0.003 ppm (The Agency for Toxic Substances and Disease Registry, ATSDR) based on respiratory effects in humans**
- **Per the deceased body: 3~5 gallon of embalming fluid is used. Common concentration of formaldehyde in embalming fluid = 18~35% (ca. 180,000 ~ 350,000 ppm).**
- **Any accidental release of formaldehyde from the facility is hard to detect and will be disaster to residents who use underground water for daily use.**
- **Workers inside facilities are required to be protected by protection equipment. People outside are not protected. Residents will be exposed to these wastes without any protection system. That will lead to serious health problems at high risk.**

Also, extremely toxic chemicals including chloroform phenols and methanol are components of embalming fluids.

The following warning message about danger of embalming fluids, especially formaldehyde is from internal people in the funeral industry (references 12 & 13)

“Chemical toxicity of traditional embalming is an extreme and lingering problem in the industry. As embalmers and the funeral industry in general, we have been lying to ourselves about so many things, for so very long, that all perspective and forward-thinking has long departed us. Due to our built-in never-change attitude, the cremationists, memorial societies, natural burialists and independent/alternative/lay/home funeral celebrants, in all probability, will take the lead and effectively commandeer the 21st Century for the majority of informed and knowledgeable society”.

In our zoning case (#BA 10-001C, Donaldson funeral business, 12540 Clarksville Pike, Clarksville, MD21029) we learned a more, and we are requesting that if new mortuaries are permitted in any zone in Howard County that mortuaries NOT be permitted as a RIGHT, and that the following limitations also be included:

a. No mortuaries on Well and Septic systems.

b. Mortuaries should not be allowed within 1 mile radius from living water resources including neighboring watersheds, waterways and creeks.

c. Detailed environmental impact analysis date should be provided by petitioner(s) and be available neighboring communities within 1 mile from the site.

d. Detailed comprehensive traffic study including all impacts to communities and traffic within 2 miles of the proposed site.

Our residential human right should be protected as described in the minimum requirements in the federal law "Safe Drinking Water Act (SDWA). It is vital to our continued healthy life, our belief in honest administrators of great integrity, and to Howard County's reputation as one of the best places to live. High level local government should be able to adopt much higher standards than the existing minimum federal regulations. Federal regulation including EPA's rules should be exceeded in Howard County.

Employers dealing with formaldehyde are legally required to retain worker's exposure records for 30 years and medical records for 30 years after employment ends. These records have been used for biomedical research for human impacts of toxic chemicals. Recently published peer-reviewed scientific article presented **"Death rate by Leukemia in embalming workers was increased statistically significantly with increasing number of years of embalming and with increasing peak formaldehyde exposure" (ref-13). Thus, embalming facilities dealing with life-threatening chemicals should not be built or approved in any well and septic areas in Howard County. This facility can be built on specific area (ex, Industrial zone) which has additional protective structures (ex, nuclear power plant, 10ft thickness specialized concrete wall).**

Doing everything you can to protect our health and environment now and for future generations is greatly appreciated. Do not let greedy developers or self- interested political leaders mislead you.

References:

1. Report on Carcinogens, 2011, National Inst. Environ. Health, National Institutes of Health, 507pages
2. Addendum to the 12th Report on Carcinogens, 2012, Published by the U.S. Department of Health and Human Services, National Toxicology Program, 6 pages
3. FINAL Report on Carcinogens Background Document for Formaldehyde, 2010, National Toxicology Program, 552 pages
4. Addendum to the toxicological profile for formaldehyde, 2010, Agency for Toxic Substances and Disease Registry (ATSDR) , Division of Toxicology and Environmental Medicine, Center for Disease Control, Atlanta, GA,
5. Reproductive and developmental toxicity of formaldehyde: A systematic review, 2011, Anh Duong , Craig Steinmaus , Cliona M. McHale, Charles P. Vaughan, Luoping Zhang, Mutation Research 728, 118–138

6. Formaldehyde Exposure and Asthma in Children: A Systematic Review, 2010, *Gerald McGwin Jr., I Jeffrey Lienert, 2 and John I. Kennedy Jr, 2010, Environ Health Perspect 118:313–317*
7. Formaldehyde, International Agency for Research on Cancer (IARC, WHO), 2006, MONOGRAPHS WHO, vol 88: 287pp
8. Despite Risk, Embalmers Still Embrace Preservative, Jul 20, 2011, NY Times,
9. Groundwater Protection Program, Annual Report to the Maryland General Assembly, 2012. Prepared by Water Supply Program Water Management Administration, Prepared for: The Maryland General Assembly, Annapolis, MD
10. Water supply cut off over formaldehyde, Chiba, Saitama, Gunma filtration plants halted due to toxic find, 2012, <http://www.japantimes.co.jp/print/nm20120520a1.html>
11. Toxic mystery surrounds Salisbury-area wells, Dozens get bottled water as testing for toxic chemical expands, Nov 16, 2012, Baltimore sun
12. Embalming redefined for the 21st century. Bedino, 2009.
13. Increased mortality by Leukemia in embalming workers, 2009, Journal National Cancer Institute, 1696-
14. **Facts about embalming.**
15. OSHA's formaldehyde fact sheet about "Danger of formaldehyde and record keeping requirement for 30 years".
16. **Report on "Leaking underground storage tanks threaten drinking water"**

"
"

Requested Zoning

Search Street:

GUILFORD RD

Next

Property Information:

Amendment No.: 34.002

Current Zoning: RR-DEO

Requested Zoning: R-ED

Tax Account ID.: 1405384419

Map: 34

Grid: 18

Parcel: 97

Lot:

Acres: 1

Address: 6100 GUILFORD RD

City/State/Zip: CLARKSVILLE, MD 21029

Owner:

Name: HODDINOTT JEANNE C

Email:

Phone: 443-220-6387

Mailing Address: PO BOX 166

City/State/Zip: CLARKSVILLE, MD 21029

Representative:

Name: Talkin & Oh, LLP

Email: soh@talkin-oh.com

Phone: 410-964-0300

Mailing Address: 5100 Dorsey Hall Drive

City/State/Zip: Ellicott City, MD 21042

Decision:

Planning Board Decision:

Planning Board Vote:

Council Decision:

Council Vote:

Zoning Map Amendment Request Form

Howard County Comprehensive Zoning Plan Department of Planning and Zoning

[Word 2007 Version]
Before filling out this form, please read the
Instructions section at the end of the form.

A. Property Information

6100
1 Address / Street (Only) ~~0166~~ Guilford Road
2 Tax Map Number 34 Grid 18
3 Parcel(s) 97
4 Lot(s) N/A
5 Tax Account Data: District 05 Account # 384419
6 Size of Property: Acres 1 Square feet
7 The Property is currently zoned: RR-DEO
I request that the Property be rezoned to: R-ED

B. Owner Information

8 Owner Name Jeanne C. Hoddinott
9 Mailing street address or Post Office Box P.O. Box 166
City, State Clarksville, Maryland
ZIP Code 21029
Telephone (Main) 443-220-63
Telephone (Secondary)
Fax
10 E-Mail

C. Representative Information

11 Name Talkin & Oh, LLP
Mailing street address or Post Office Box 5100 Dorsey Hall Drive
City, State Ellicott City, Maryland
ZIP 21042
Telephone (Main) 410-964-0300 (Sar

C. Representative Information

Telephone (Secondary)

Fax 410-964-2008

E-Mail

soh@talkin-oh.com

12 Association with Owner Attorneys

D. Alternate Contact [If Any]

Name

Telephone

E-Mail

E. Explanation of the Basis / Justification for the Requested Rezoning

13 This application is submitted in conjunction with the Comprehensive Rezoning Application for the properties identified on Tax Map 34, Grid 18, as Parcels 88 and 97 (the "Original Application").

The subject Property is zoned RR-DEO and was recently added to the County's Planned Service Area ("PSA") for public water and sewer. The proposed rezoning of the Property to the R-ED district would allow for an appropriate residential subdivision of the nearly 88 acre Property in a manner that utilizes public sewer instead of septic systems. Due to environmental concerns pertaining to septic systems, the policy of both the State and the County is to promote developments utilizing public sewer. See PlanHoward 2030, pp. 73-76. See attached Continuation Sheet.

F. List of Attachments/Exhibits

14 1. Continuation Sheet. 2. Map of the Property from the County's website.

G. Signatures

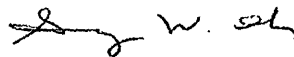
15 Owner Original signature in Original Application Owner (2)

Date

Date

Additional owner signatures? X the box to the left and attach a separate signature page.

16 Representative Signature



Date

12-14-12

DPZ Use Only		Amendment No.	34.002
Notes			

Continuation Sheet

E. Explanation of the Basis / Justification for the Requested Rezoning

- 13 The subject Property is zoned RR-DEO and was recently added to the County's Planned Service Area ("PSA") for public water and sewer. The proposed rezoning of the Property to the R-ED district would allow for an appropriate residential subdivision of the nearly 88 acre Property in a manner that utilizes public sewer instead of septic systems. Due to environmental concerns pertaining to septic systems, the policy of both the State and the County is to promote developments utilizing public sewer. See PlanHoward 2030, pp. 73-76.

The R-ED district is the lowest density zone possible for PSA-included property. The Property also adjoins an existing R-12 neighborhood such that an R-ED development of the Property would provide an appropriate transition between the higher density developments to the east and the RR-DEO zoned properties to the west.

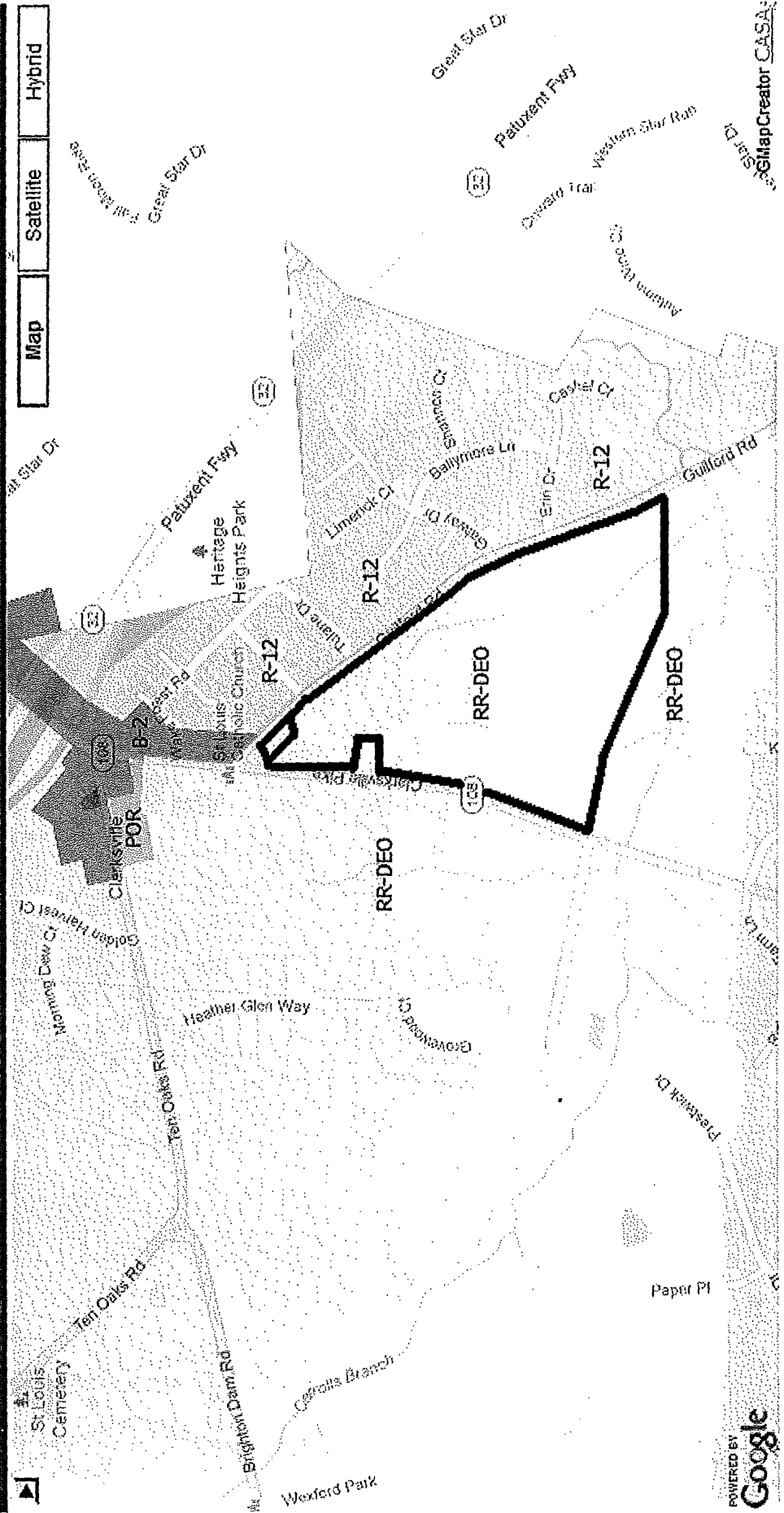
The R-ED district is also the most appropriate zone for the Property given the Property's environmental features. As shown on the attached aerial map of the Property from the County's website, the Property contains areas of wetlands. The purpose of the R-ED district is "to accommodate residential development at a density of two dwelling units per net acre in areas with a high proportion of sensitive environmental and/or historic resources. Protection of environmental and historic resources is to be achieved by minimizing the amount of site disturbance and directing development to the most appropriate areas of a site, away from sensitive resources. To accomplish this, the regulations allow site planning flexibility and require that developmental proposals be evaluated in terms of their effectiveness in minimizing alteration of existing topography, vegetation and the landscape setting for historic structures." HOWARD COUNTY ZONING REGULATIONS § 107.A.

A rezoning of the Property to the R-ED district would be consistent with the Property's recent inclusion into the PSA for public water and sewer, allowing for a subdivision at the lowest residential density permitted. Such a rezoning would ensure a development utilizing public sewer instead of septic, and would also ensure that the environmentally sensitive features of the Property would be protected during the subdivision and development process.

Howard County, MARYLAND

Street View | Help

Map Satellite Hybrid



MapCreator CASAA

POWERED BY Google

ADJOINING PROPERTY OWNERS FOR 7400 & 7450 GRACE DRIVE

W.R. Grace Company
7500 Grace Drive
Columbia, Maryland 21044-4098
(35.002)
(35.001)

Howard County Recreation & Parks
County Office Building
Ellicott City, Maryland 21043
(35.002)
(35.001)

Jeffrey J. Eng
Holly A. Gildersleeve Eng
7420 Grace Drive
Columbia, Maryland 21044-4004
(35.002)
(35.001)

Chesapeake Conference Association of Seventh Day Adventist
6600 Martin Road
Columbia, Maryland 21044-3928
(35.002)
(35.001)





Howard County Council

George Howard Building
3467 Court House Drive
Ellicott City, Maryland 21043-4392

COUNCILMEMBERS

Jennifer Terrasa, Chairperson
District 3
Mary Kay Sigaty, Vice Chairperson
District 4
Courtney Watson
District 1
Calvin Ball
District 2
Greg Fox
District 5

March 11, 2013

Ms. Jeanne Hoddinott, Trustee
P.O. Box 166
Clarksville, MD 21029

Dear Ms. Hoddinott:

You are receiving this letter because you filed a Zoning Map Amendment Request Form/Howard County Comprehensive Zoning Plan or a Zoning Regulation Amendment Request Form/Howard County Comprehensive Plan.

Please be advised that on March 7, 2013, the Howard County Ethics Commission determined that the Zoning Map Request Form needs to be accompanied by certain affidavits and disclosures. The Commission also determined that the Zoning Regulation Amendment Form needs to be accompanied by certain affidavits and disclosures when the Form proposes to "increase the density of the land of the applicant."

The Commission directed me to notify applicants of their obligation to file the affidavit and disclosure. The obligation is set forth in Md. Code Ann., St. Gov't, Sec. 15-849(b), which provides in part, **"the affidavit or disclosure shall be filed at least 30 calendar days prior to any consideration of the application by an elected official."**

Accordingly, I am enclosing for your use the approved affidavit packet. Completed forms may be mailed to the Administrative Assistant to the Zoning Board at 3430 Court House Drive, Ellicott City, MD 21043.

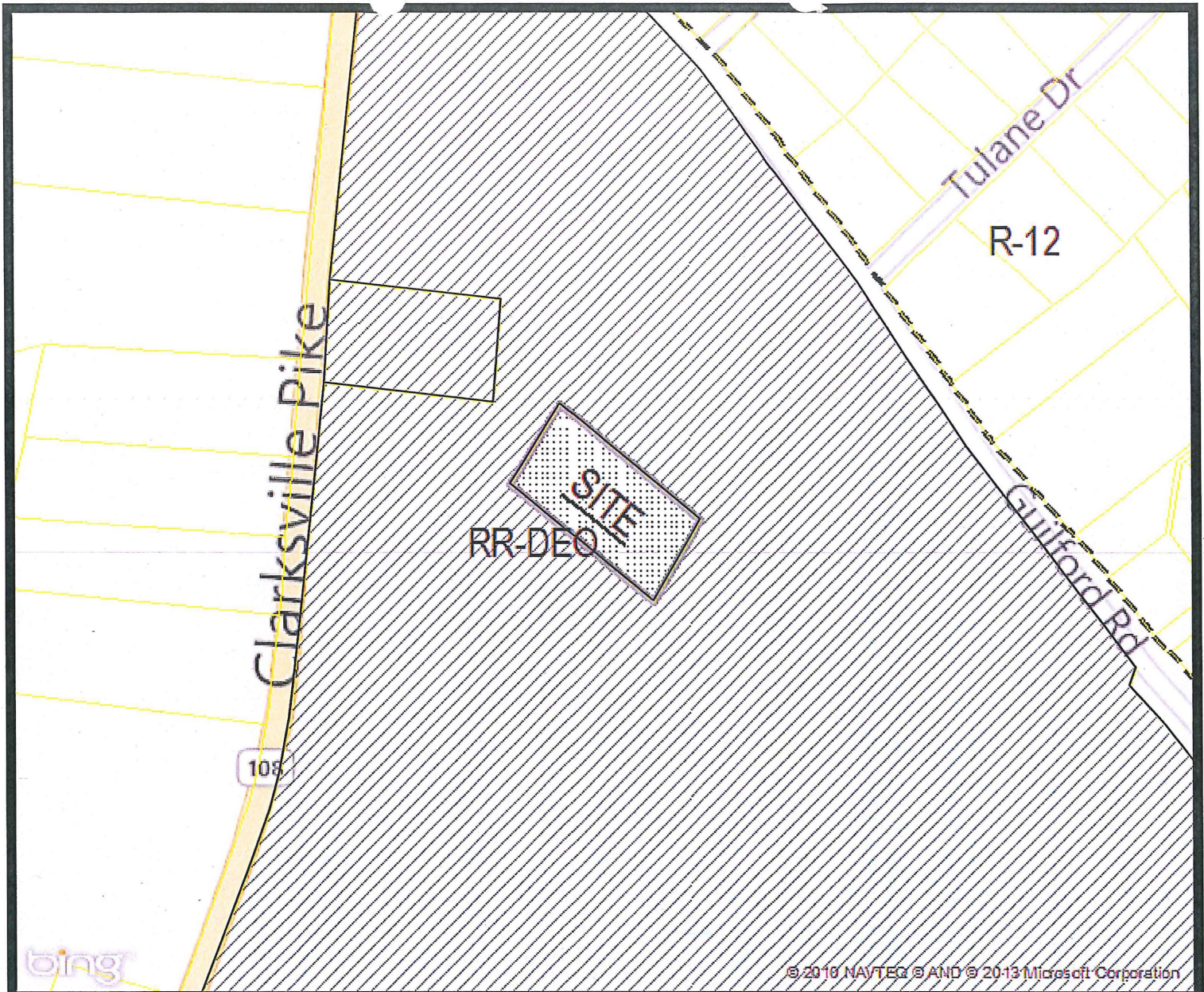
Very truly yours,

Stephen M. LeGendre
Administrator

(410) 313-2001

fax: (410) 313-3297
<http://cc.howardcountymd.gov>

tty: (410) 313-6401



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		50				



Zoning Map General Plan Amendment: 34.002 Tax ID: 1405384419
 Current Zoning: RR-DEO Council District: 4
 Tax Map: 34 Grid: 18 Parcel: 97 Lot: N/A
 Address: 6100 GUILFORD RD

Regner, Robin

From: Tolliver, Sheila
Sent: Thursday, June 20, 2013 11:17 AM
To: Regner, Robin
Subject: FW: Highland Map Amendments and The Expanded PSA
Attachments: BRX Map GHCA 130326.pdf

From: DanielOL@aol.com [mailto:DanielOL@aol.com]
Sent: Thursday, June 20, 2013 10:26 AM
To: CouncilMail; Knight, Karen
Subject: Highland Map Amendments and The Expanded PSA



June 20, 2013

Dear Council Members:

Thank you for your attention to my remarks last night. I hope you will find the following summary useful in your deliberations.

Actually, GHCA supported a modified BRX with NO map amendments, which option we chose when queried by DPZ. We will address BRX Monday under text amendments in the West.

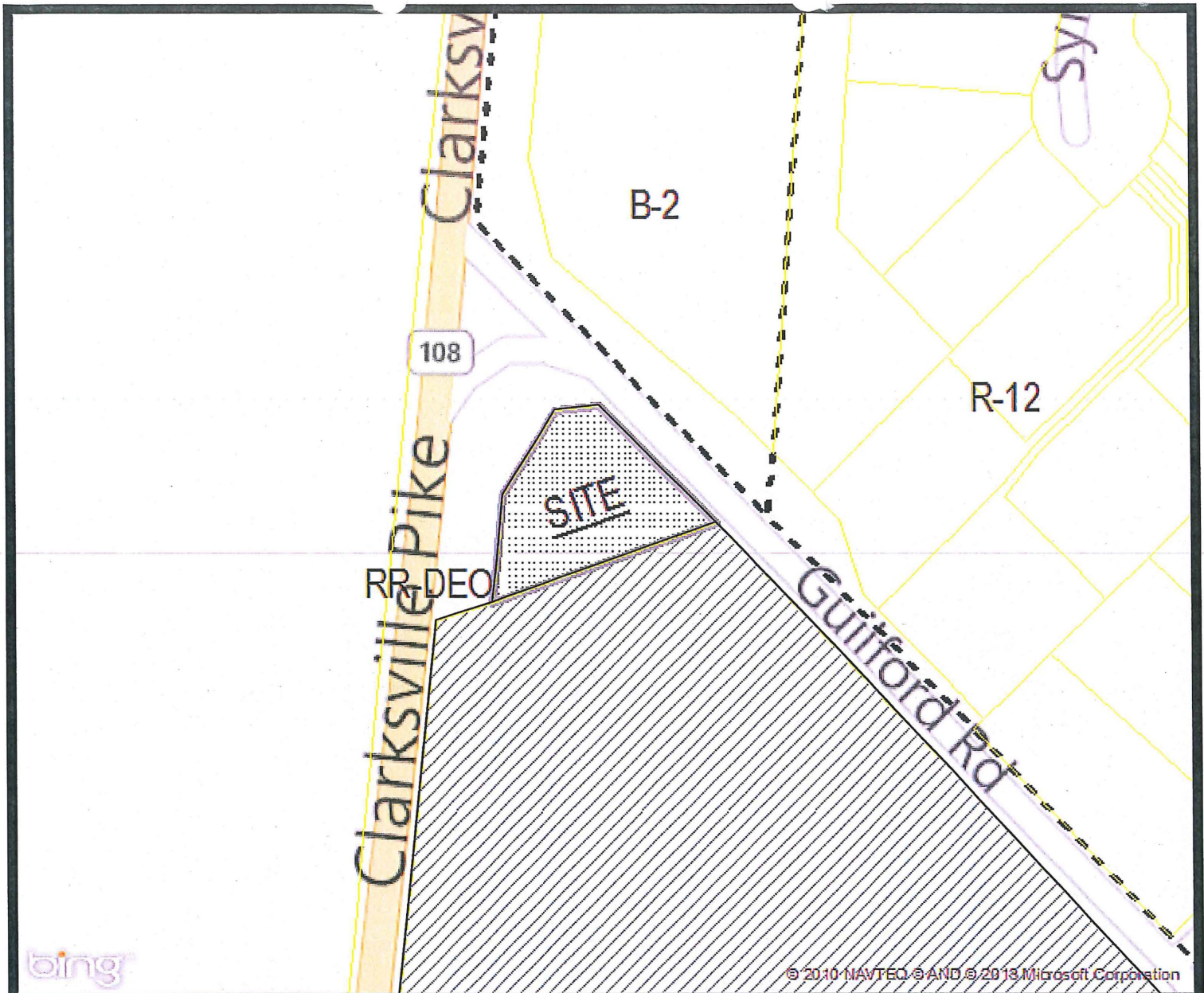
Map #s 40.001 thru 40.007, Highland Crossroads: We support only one of them in order to allow the adjoining property to be eligible for BRX rather than B-1. (See Exhibit 1 attached)

- 40.004, 005 & 007: All of these lots (actually 4 lots) are on the NE side of 108. We strongly support DPZ's recommendation for denial. There is no demand for commercial space in Highland. There are still vacancies in Highland Crossing across 108, and 40.005 (Grey Pony) would still qualify for BRX.
- 40.001: This is a bald attempt to do an end-run around an existing BOA ruling against a nursing home proposal. The case is under judicial appeal. {According to Mr. Sun's testimony, there is no vested interest in this property because the BOA ruled against. Council is free act as it wishes, but a vote in favor of this amendment would be a vote to over-rule the BOA} Intervention by Council action is inappropriate and undermines a conditional use process that is already under heavy criticism.

- 40.002: This lot on the SW quadrant adjoins a lot by the same owner that was converted to B-1 in the last round. It is roughly 85% RR (see Exhibit 1). Only a tiny sliver of the old B-1 remains and should have been removed in 2004. Please read the letter to the Planning Board by the adjoining owners, the Messiers, about illegal commercial use. We strongly oppose it and recommend RR-DEO for the entire lot to clear up the issue. If expansion is needed it would qualify for BRX
- 40.008: We recommend adoption of B-1 to clear up the split zoning and to allow Ms. Caswell to apply for BRX status in lieu of the last amendment below: 40.003.
- 40.003: We would prefer to support a BRX proposal if 40.008 were granted.

Finally, we oppose map amendments 34.001-004, the Hoddinot property and 46.002, the Maple lawn property, both for the same reason: the PSA was improperly expanded under the General Plan. Even if it was legal, it was terrible public policy and procedure. It was never properly announced, explained or properly debated. We respectfully suggest the Council remove the PSA expansion from the GP, and take it up at a later date such as what was done in COMP LITE in 2004. It is too important an issue to have been passed under questionable procedures, Please correct this mistake.

Dan O'Leary, President
301 854 9424



bing

© 2010 NAVTEQ © AND © 2013 Microsoft Corporation

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Zoning Map General Plan Amendment: **34.003** Tax ID: **1405431867**
 Current Zoning: **RR-DEO** Council District: **4**
 Tax Map: **34** Grid: **12** Parcel: **426** Lot: **N/A**
 Address: **6070 Guilford Road**

Regner, Robin

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Sent: Thursday, June 20, 2013 11:17 AM
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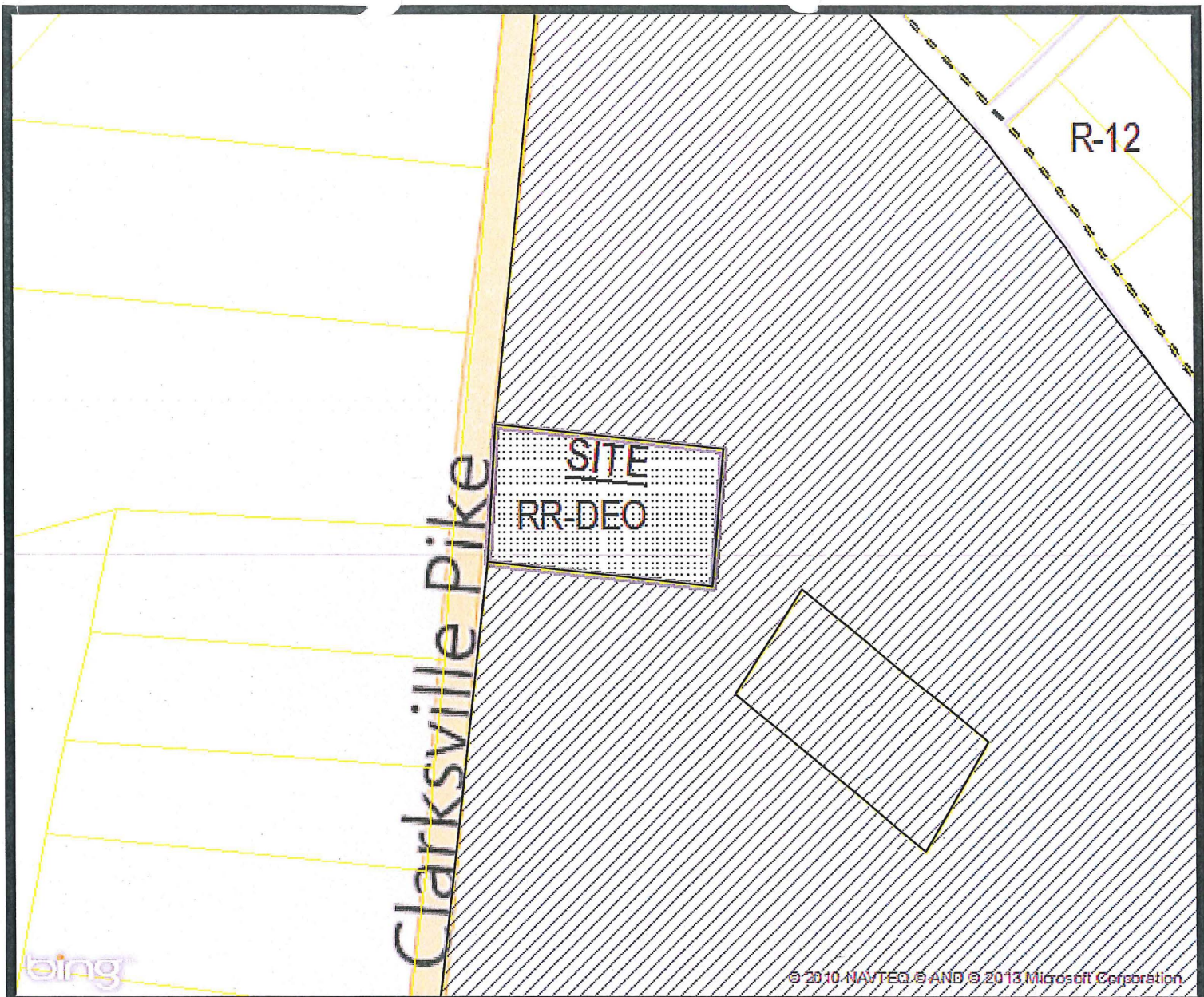
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- 40.004, 005 & 007: All of these lots (actually 4 lots) are on the NE side of 108. We strongly support DPZ's recommendation for denial. There is no demand for commercial space in Highland. There are still vacancies in Highland Crossing across 108, and 40.005 (Grey Pony) would still qualify for BRX.
- 40.001: This is a bald attempt to do an end-run around an existing BOA ruling against a nursing home proposal. The case is under judicial appeal. {According to Mr. Sun's testimony, there is no vested interest in this property because the BOA ruled against. Council is free act as it wishes, but a vote in favor of this amendment would be a vote to over-rule the BOA} Intervention by Council action is inappropriate and undermines a conditional use process that is already under heavy criticism.

- 40.002: This lot on the SW quadrant adjoins a lot by the same owner that was converted to B-1 in the last round. It is roughly 85% RR (see Exhibit 1). Only a tiny sliver of the old B-1 remains and should have been removed in 2004. Please read the letter to the Planning Board by the adjoining owners, the Messiers, about illegal commercial use. We strongly oppose it and recommend RR-DEO for the entire lot to clear up the issue. If expansion is needed it would qualify for BRX
- 40.008: We recommend adoption of B-1 to clear up the split zoning and to allow Ms. Caswell to apply for BRX status in lieu of the last amendment below: 40.003.
- 40.003: We would prefer to support a BRX proposal if 40.008 were granted.

Finally, we oppose map amendments 34.001-004, the Hoddinot property and 46.002, the Maple lawn property, both for the same reason: the PSA was improperly expanded under the General Plan. Even if it was legal, it was terrible public policy and procedure. It was never properly announced, explained or properly debated. We respectfully suggest the Council remove the PSA expansion from the GP, and take it up at a later date such as what was done in COMP LITE in 2004. It is too important an issue to have been passed under questionable procedures, Please correct this mistake.

Dan O'Leary, President
301 854 9424



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Zoning Map General Plan Amendment: 34.004 Tax ID: 1405344336
 Current Zoning: RR-DEO Council District: 4
 Tax Map: 34 Grid: 12 Parcel: 162 Lot: N/A
 Address: 12585 Clarksville Pike

Regner, Robin

From: Tolliver, Sheila
Sent: Thursday, June 20, 2013 11:17 AM
To: Regner, Robin
Subject: FW: Highland Map Amendments and The Expanded PSA
Attachments: BRX Map GHCA 130326.pdf

From: DanielOL@aol.com [mailto:DanielOL@aol.com]
Sent: Thursday, June 20, 2013 10:26 AM
To: CouncilMail; Knight, Karen
Subject: Highland Map Amendments and The Expanded PSA



June 20, 2013

Dear Council Members:

Thank you for your attention to my remarks last night. I hope you will find the following summary useful in your deliberations.

Actually, GHCA supported a modified BRX with NO map amendments, which option we chose when queried by DPZ. We will address BRX Monday under text amendments in the West.

Map #s 40.001 thru 40.007, Highland Crossroads: We support only one of them in order to allow the adjoining property to be eligible for BRX rather than B-1. (See Exhibit 1 attached)

- 40.004, 005 & 007: All of these lots (actually 4 lots) are on the NE side of 108. We strongly support DPZ's recommendation for denial. There is no demand for commercial space in Highland. There are still vacancies in Highland Crossing across 108, and 40.005 (Grey Pony) would still qualify for BRX.
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- 40.003: We would prefer to support a BRX proposal if 40.008 were granted.

Finally, we oppose map amendments 34.001-004, the Hoddinot property and 46.002, the Maple lawn property, both for the same reason: the PSA was improperly expanded under the General Plan. Even if it was legal, it was terrible public policy and procedure. It was never properly announced, explained or properly debated. We respectfully suggest the Council remove the PSA expansion from the GP, and take it up at a later date such as what was done in COMP LITE in 2004. It is too important an issue to have been passed under questionable procedures, Please correct this mistake.

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